



Los Angeles County Office of Education

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November 4, 2011

Arturo Delgado, Ed.D.
Superintendent

Los Angeles County
Board of Education

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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

Proposed Transfer of Territory from the
Mount San Antonio Community College District
to the North Orange County Community College District

Pursuant to Education Code (EC) §74104 and §74250, this letter requests that the Los Angeles County Board of Supervisors (Board) make an Order, prior to December 1, 2011, to change certain community college district boundaries, and to cause such Order, legal description, and map or plat indicating the boundaries established to be filed with the appropriate governmental offices as requested below.

The Office of the Los Angeles County Counsel (County Counsel) has reviewed this request and supporting documentation noted in the enclosed checklist. Twenty-two copies of this correspondence (11 with enclosures) are provided for distribution by your Board to the appropriate offices.

Background

On September 1, 2011, the Los Angeles County Office of Education (LACOE) received a request from the Mount San Antonio Community College District (CCD) Board of Education to review a petition dated July 25, 2011. This petition requested a transfer of certain territory from the Mount San Antonio CCD to the North Orange County CCD pursuant to EC §74100(b).

On September 1, 2011, LACOE received a June 28, 2011, resolution passed by the North Orange County CCD Board of Education requesting to transfer certain territory from the Mount San Antonio CCD to the North Orange County CCD pursuant to EC §74100(b).

In accordance with EC §74104, on November 4, 2011, the Los Angeles County Superintendent of Schools (County Superintendent) found the petition and resolution to

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

45 November 15, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

be sufficient and signed as required by law, and transmitted it to the California Community College Board of Governors (BOG).

EC §74104 specifies that, “. . . if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than five percent of the adult population of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization. The procedure specified in this paragraph may not be utilized more than once every five years.”

Because the subject petition and resolution complies with all of the criteria of EC §74104, it was not reviewed by the Los Angeles County Committee on School District Organization (County Committee).

EC §74205 specifies that the County Superintendent transmit the petition, order the petition be granted, and notify the Board when:

- the conditions of EC §74101 are substantially met;
- the petition is to transfer territory of less than five percent of the adult population in the district from which the territory is being transferred; and,
- the governing boards of the affected school districts have consented to the transfer of territory.

Action Requested

Accordingly, the County Superintendent respectfully requests that your Board take the following actions on or before December 1, 2011:

1. Make an Order changing the boundaries of the Mount San Antonio and North Orange County CCDs in accordance with the petition, resolution, and the enclosed maps as required by EC §74250 and §74251;
2. Cause such Order to be entered in the Los Angeles County's record of school districts;
3. Produce map(s) and legal descriptions of the affected community college districts in accordance with Opinion No. 97-706 of the California State Attorney General;
4. Cause a copy of such Order, along with map(s) and legal description indicating such change, to be filed in the following offices and agencies: the Los Angeles County Superintendent, Assessor, Auditor-Controller, Department of Public Works (DPW), and Registrar-Recorder/County Clerk (Registrar-Recorder); the Orange County Superintendent, Assessor, Auditor-Controller, DPW, and Registrar-

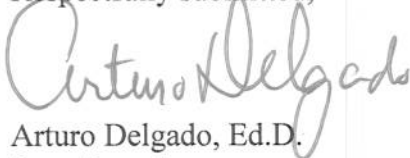
Recorder; the Valuation Division of the State Board of Equalization (BOE); the State Allocation Board; the State Superintendent of Public Instruction; and the affected community college districts; and,

5. Forward the enclosed check (payable to the BOE), boundary description, and copies of map(s) and legal descriptions of the affected community college districts to the BOE.

In accordance with EC §74251, for the transfer to become effective on July 1, 2012, the above actions must be completed prior to December 1, 2011. Actions subsequent to December 1, 2011, will cause the effective date of the change to be delayed to July 1, 2013.

Should you have questions regarding the above or require additional information, please contact Mr. Matthew Spies, Secretary to the County Committee, at (562) 922-6336.

Respectfully submitted,



Arturo Delgado, Ed.D.
Superintendent

AD/MFS:mb
Enclosures

cc: Ms. Martha Molina-Aviles, Board, First Supervisorial District
Ms. Sylvia Drew Ivie, Board, Second Supervisorial District
Ms. Vivian Rescalvo, Board, Third Supervisorial District
Ms. Gail Tierney, Board, Fourth Supervisorial District
Ms. Rita Hadjimanoukian, Board, Fifth Supervisorial District
Ms. Njeri Griffin, BOG
Dr. William Scroggins, Mount San Antonio CCD
Mr. Michael Gregoryk, Mount San Antonio CCD
Dr. Ned Doffoney, North Orange County CCD
Mr. Fred Williams, North Orange County CCD
Mr. William Habermehl, Orange County Department of Education (OCDE)
Dr. Wendy Benkert, OCDE
Ms. Rosalee Hormuth, OCDE
Mr. Larry Ferchaw, Dolinka Group
Mr. David Soldani, Atkinson, Andelson, Loya, Ruud and Romo
Ms. Aleen Langton, County Counsel
Ms. Fimy Aghoian, County Counsel
Ms. Patricia Smith, LACOE

CALIFORNIA CODES
EDUCATION CODE
SECTION 74100-74110

74100. An action to reorganize one or more districts by the transfer of territory to another district is initiated upon the filing of a petition with the county superintendent of schools having jurisdiction. A petition to reorganize districts by the transfer of territory to another district shall be signed by either of the following:

(a) Where the petition is to transfer territory currently located in one district, at least 25 percent of the registered voters residing in the territory proposed to be transferred shall sign the petition. Where the petition is to transfer territory currently located in two or more districts, at least 25 percent of the registered voters residing in the territory proposed to be transferred in each district shall sign the petition.

(b) A majority of the members of each of the governing boards of the districts which would be affected by the proposed reorganization.

74102. In any petition to reorganize districts by transfer, there shall be designated no more than three of the petitioners as chief petitioners for the purpose of receiving notice of any public hearings to be held on the petition.

74103. The persons securing the signatures to a petition of electors to reorganize districts shall attach thereto an affidavit that all persons who signed the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be.

74104. Upon receipt of the petition, the county superintendent of schools shall transmit a copy of the petition to the board of governors. The county superintendent of schools, within 30 days after the petition for reorganization is filed, shall examine the petition and, if he or she finds it to be sufficient and signed as required by law, shall transmit the petition simultaneously to the county committee, the governing board of each affected district, and the board of governors.

Notwithstanding any provision of this article to the contrary, if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than 5 percent of the adult population of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization. The procedure specified in this paragraph may not be utilized more than once every five years.

74105. Within 90 days after receipt of the petition, the county

committee shall hold one or more public hearings on the petition at a regular or special meeting in each of the districts affected by the petition. Notice of the public hearing shall be given at least 10 days in advance of the date of the hearing to the chief petitioners, to the governing board of all districts affected by the proposed transfer, the board of governors and to all other persons requesting notice of the hearing.

74106. (a) The county committee may add to the petition any appropriate provisions which were not included in the petition as filed, and may amend any provision which was so included.

(b) At least 10 days before the public hearing on the petition, the county committee shall make available to the public, the governing boards affected by the petition, and the board of governors, a description of the petition and a report which includes a description or analysis of all the following:

(1) The rights of the employees in the affected districts to continued employment.

(2) The financial impact of the proposed change on each affected district.

(3) Whether the districts involved will be governed, in part, by provisions of a city charter and, if so, in what way.

(4) A description of the territory affected.

(5) A description of how the property, obligations, and bonded indebtedness of existing districts will be divided.

(6) Whether the reorganization will significantly affect racial or ethnic composition of districts.

(7) Determination of impact of proposed change upon boards of trustees.

(8) A draft statement of the terms of the agreement regarding all conditions of the transfer, when applicable, for consideration by governing boards of affected districts.

(9) Whether the change is compatible with the district master plan of the county.

74107. Within 90 days after affording the public an opportunity to comment on the petition, the report, and the recommendations included in the report, the county committee shall forward a copy of the petition and the report documents to each district governing board and the board of governors for review. No transfer shall be made unless a majority of the members of the governing board of the district to which the territory is to be transferred sign a statement agreeing to all conditions of the transfer at a public meeting conducted for that purpose. Upon completion of the public meeting, the receiving governing board shall return the petition and statement of agreement, together with a notice of action, to the county committee.

74108. The county committee may approve a petition only if either of the following conditions are met:

(a) The petition is to transfer uninhabited territory from one district to another and the owner of the territory, or a majority of the owners of the territory, and the governing board of the receiving district involved in the transfer consent to the transfer.

(b) The petition is to transfer inhabited territory and all the following conditions are satisfied.

(1) The governing board of the receiving district has consented to all conditions of transfer by an agreement signed by a majority of the members of the board.

(2) The county committee finds that:

(A) The transfer will not result in any increased cost to the state.

(B) The transfer will not result in a reduction in state aid to community college districts not party to the petition.

(C) The reallocation of local property tax revenues has been accurately determined and will be appropriately transferred.

(D) The transfer will not significantly affect the racial or ethnic composition of the districts affected.

(E) The transfer will not decrease educational opportunities for residents of all districts involved.

74109. Whenever a county committee approves a petition, within 10 days it shall transmit a copy of the approved petition, together with any related information or recommendations, to the Board of Governors of the California Community Colleges for review.

74110. Whenever the county committee rejects a petition, it shall notify the chief petitioners and the board of governors of its action and provide in writing the basis for rejection.

The county committee need not accept a new petition on the same territory filed within 12 months of its decision.

CALIFORNIA CODES
EDUCATION CODE
SECTION 74201-74205

74201. (a) Any person who questions the findings of a county committee that a proposed transfer of territory will not adversely affect the racial or ethnic composition of the colleges of the districts affected by the proposal may file an appeal with the board of governors within 30 days after a decision based upon the finding has been made. The appeal shall be based upon factual and statistical evidence.

(b) If the board of governors denies an appeal filed pursuant to subdivision (a), the decision of the county committee shall stand.

(c) If the board of governors rejects the findings of the county committee, the county committee shall hold another hearing in order to reconsider its decision based upon the findings of the board of governors.

74202. Upon receipt of an approved petition, the board of governors may make whatever inquiries or studies are necessary to validate information and recommendations submitted by the county committee prior to making a recommendation to the board of governors. When it is necessary for the Board of Governors of the California Community Colleges to evaluate a reorganization proposal, each county superintendent of schools and every other county officer in the counties affected and the superintendents of the districts affected and the county committee shall provide the information required to complete the review.

74203. The board of governors may return the petition for reorganization to the county committee for its reconsideration of information found to be incorrect in the proposal. The county committee shall take whatever action it deems necessary to verify the original proposal or to resubmit a corrected proposal pursuant to procedures described in Sections 74105 and 74106.

74204. At least 30 days prior to the date of the hearing, the board of governors shall announce the purpose of the proposal and the time and place of the hearing to each of the following:

(a) The governing board and district superintendent of each district whose boundaries would be affected.

(b) The county superintendent and county committee of each county which has jurisdiction over any of the districts whose boundaries would be affected.

(c) The persons designated in the petitions as "chief petitioners."

74205. After affording interested persons an opportunity to present their views on the proposal, the board of governors shall give notice of approval or disapproval to the county committee and county superintendents of schools having jurisdiction over any of the districts whose boundaries would be affected by the reorganization.

Whenever a proposal is disapproved, the board of governors shall provide in writing the basis for rejection.

CALIFORNIA CODES
EDUCATION CODE
SECTION 74250-74251

74250. After the board of supervisors receives official notification that an action to reorganize districts has been approved as provided by law, the board of supervisors shall issue an order to change districts where required by the action, and to establish or reestablish the boundaries of the districts affected by the action. The order shall be entered in the county's record of districts.

If the action results in a change of district boundaries of the type described in Section 54900 of the Government **Code**, the order of the board of supervisors shall include the legal description of each district changed in the action and, immediately after making the order, the board of supervisors shall cause a copy of the order and a map or plat indicating the boundaries established for each district affected by the order to be filed as required by Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government **Code**.

74251. (a) An action to reorganize districts is complete when the board of supervisors makes the order pursuant to Section **74250**.

(b) After the expiration of one year from the date of the order, the order shall be conclusive evidence that the district has been legally organized, or the boundaries legally changed, as the case may be, and no suit shall be maintained which questions the validity of the organization or change of boundaries.

(c) For purposes of district tax revenues and governance, the order shall be effective as of the beginning of the succeeding fiscal year.

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

DANIEL E. LUNGREN
Attorney General

OPINION	:	
	:	No. 97-706
of	:	
	:	October 3, 1997
DANIEL E. LUNGREN	:	
Attorney General	:	
	:	
ANTHONY M. SUMMERS	:	
Deputy Attorney General	:	
	:	

THE HONORABLE THOMAS McCLINTOCK, MEMBER OF THE CALIFORNIA ASSEMBLY, has requested an opinion on the following questions:

1. When are an official map and legal description of the boundaries of a proposed school district reorganization required to be prepared and filed?
2. Which party or entity is responsible for the costs of preparing and filing an official map and legal description of the boundaries of a proposed school district reorganization?

CONCLUSIONS

1. The preparation and filing of an official map and legal description of the boundaries of a proposed school district reorganization are required only after the reorganization has been approved by the voters.
2. The county board of supervisors is responsible for the costs of preparing and filing an official map and legal description of the boundaries of a proposed school district reorganization after it has been approved by the voters.

ANALYSIS

The reorganization of school districts (Ed. Code, §§ 35500-35785) Footnote No. 1 includes the creation of one or more new school districts from the territory of an existing district. (§ 35511.) Such a change may be initiated by the residents of the area by filing with the county superintendent of schools a petition signed by a percentage of the registered voters in the affected territory. Section 35700 provides:

"An action to reorganize one or more districts is initiated upon the filing, with the county superintendent of schools, of a petition to reorganize one or more school districts signed by any of the following:

"(a) At least 25 percent of the registered voters residing in the territory proposed to be reorganized if the territory is inhabited. Where the petition is to reorganize territory in two or more school districts, the petition shall be signed by at least 25 percent of the registered voters in that territory in each of those districts.

"(b) A number of registered voters residing in the territory proposed to be reorganized, equal to at least 8 percent of the votes cast for all candidates for Governor at the last gubernatorial election in the territory proposed to be reorganized, where the affected territory consists of a single school district with over 200,000 pupils in average daily attendance and the petition is to reorganize the district into two or more districts.

"....."

If the petition contains a sufficient number of signatures, a hearing is held. (§ 35722.) Up to three persons are to be designated as "chief petitioners" for the purpose of receiving notices of any public hearings. (§ 35701.) After the public hearings and all required approvals have been obtained, an election may be held. (§§ 35710.51, 35722.)

Section 35703 provides that a petition initiating a school district reorganization may include the provisions found in sections 35730-35738. The latter statutes cover such topics as the governing law for the new school district, number of board members, territory in which the election shall be held, whether trustees will represent areas or the entire district, computation of revenue limits, division of obligations, property and indebtedness, and election procedures for the first governing board. However, there is no statutory mandate that the petition contain any of these provisions. Indeed, there are no specific directives as to the contents of a school district reorganization petition. This is made evident by the fact that the county committee on school district organization (see § 35720) may add to the petition any appropriate provisions specified in sections 35730-35738 "which were not included in the petition as filed." (§ 35705.5, subd. (a).)

Nevertheless, it may reasonably be seen that the petition must identify the type of reorganization proposed and the territory to be reorganized with sufficient specificity so that (1) a determination may be made as to whether the petition contains a sufficient number of signatures from the area's residents and (2) voters will be informed as to the nature of the proposed reorganization at the time of the election.

1. Preparing and Filing an Official Map and Legal Description

The first question to be resolved concerns the date when an official map and legal description of the boundaries of a proposed school district reorganization must be prepared and filed. Are the petitioners of a reorganization required, for example, to furnish a legal description of the proposed boundaries prior to circulating the petition? We conclude that an official map and legal description are not required until after the voters have approved the reorganization.

As noted above, the Education Code provisions dealing with petitions for reorganizations of school districts do not require any specific matters to be included in a petition, and make no reference to preparing maps or a legal description of the area proposed for reorganization. We must therefore determine whether any other statutory scheme requires preparation of a map or legal description as a condition precedent to filing a petition for a school district reorganization or which sets any other deadline for such preparation.

We first examine the provisions of Government Code sections 54900-54916.5, which deal with changes in the boundaries of cities, districts, and other areas where a special tax assessment is carried on the county assessment roll for property tax purposes. Government Code sections 54900 and 54901 require the filing of a "statement" in the form required by the State Board of Equalization, that describes the changes

and which must "include a legal description of said boundaries and a map or plat indicating the boundaries." (Gov. Code, § 54901, subd. (a).) The statement must be filed "[o]n or before December 1 of the year immediately preceding the year in which the assessments or taxes are to be levied" (Gov. Code, § 54902), and the proposed changes are not effective for assessment or taxation purposes until the statement is filed (Gov. Code, § 54903).

The foregoing Government Code provisions regarding the filing of statements for property tax purposes are applicable to school district reorganizations. Section 35765 explicitly requires compliance with this statutory scheme. **Footnote No. 2** However, the filing of a map and legal description is not required until *after* the school district reorganization election. Section 35765 states:

"After the board of supervisors receives a proper certificate of election or other proper evidence that an action to organize or reorganize school districts has been approved as provided by law, the board of supervisors shall make an order to create, change, or terminate school districts as may be required by the action and establish or reestablish the boundaries of the districts affected by the action. The order shall be entered in the county's record of school districts.

"If the action results in the creation of a district or a change of district boundaries of the type described in Section 54900 of the Government Code, the order of the board of supervisors shall include the legal description of each district created or changed in the action and, immediately after making the order, the board of supervisors shall cause a copy of the order and a map or plat indicating the boundaries established or reestablished for each district affected by the order to be filed as required by Chapter 8 (commencing with Section 54900) of Part 1 of Division 2, Title 5 of the Government Code."

Thus, compliance with Government Code section 54900 does not necessitate the preparation of any map or legal description prior to circulating a petition for reorganization of a school district; rather, section 35765 and Government Code sections 54900-54916.5, as well as section 35534, require such documents to be prepared only if the reorganization is approved as provided by law. **Footnote No. 3**

We reject the suggestion that a separate statutory scheme, Government Code sections 58850-58861, is applicable to the circulation of a petition to reorganize a school district. This statutory scheme generally relates to changes in the boundaries of any "district exercising functions that are, or may be, supported by taxes . . . levied on property within the district . . ." (Gov. Code, § 58850, subd. (b)) and requires that "a map showing the boundaries of the territory involved and . . . a specific detailed legal description of the boundaries of such territory" must be submitted to the county surveyor prior to circulating the petition (Gov. Code, § 58852). The county surveyor and county assessor review the boundary description contained in the proposal (Gov. Code, § 58851), after giving notice to all cities, districts, and the county having any land within the proposed area (Gov. Code, § 58855). The county surveyor may hold a public hearing (Gov. Code, § 58857) to consider whether the proposed boundaries are definite and conform with lines of ownership as well as other similar matters of public interest (Gov. Code, § 58856). "If the proponents do not accept the county surveyor's recommendations as contained in his report, they shall file a statement of reasons with the legislative body having jurisdiction to conduct the appropriate proceedings." (Gov. Code, § 58860.) "Before acting upon any proposal, the legislative body having jurisdiction shall consider the report of the county surveyor and give it such weight as in its judgment the public interest requires." (Gov. Code, § 58861.)

None of the provisions of this legislative scheme are referenced in the Education Code relating to school district reorganizations. Rather, as we have seen, the Education Code requires compliance with a separate statutory scheme, Government Code sections 54900-54916.5, dealing with the preparation and filing of official maps and legal descriptions. We do not view the role of the county surveyor under the

terms of Government Code sections 58850-58861 as appropriate to school district reorganizations, given the Legislature's detailed requirements contained in sections 35500-35785 that include the additional requirements specified in Government Code sections 54900-54916.5.

We note also that Government Code sections 58850-58861 may be read in conjunction with Government Code sections 58000-58200, the District Organization Law, dealing with the same subject matter and from which school districts are exempt. (See Gov. Code, §§ 58002, 58004; 21 Ops.Cal.Atty.Gen. 197 (1953).) **Footnote No. 4**

We believe that the more specific provisions of sections 35534 and 35765 control the more general provisions of Government Code sections 58850-58861. (See Code Civ. Proc., § 1859; *Woods v. Young* (1991) 53 Cal.3d 315, 325 ["specific provision relating to a particular subject will govern a general provision"].) Had the Legislature intended the provisions of Government Code section 58850-58861, in which the official map and legal description are prepared and filed before circulating the petition, to be applicable to school district reorganizations, it could easily have so provided. (See *Safer v. Superior Court* (1975) 15 Cal.3d 230, 237-238 ["the Legislature's clear demonstration that it knows how to grant . . . power when it wishes to do so"].) Instead, it expressly referred to a different statutory scheme in which the map and description are prepared and filed only after the voters have approved the change in boundaries. We have examined in detail the legislative history of sections 35500-35785's requirements dealing with the preparation and filing of official maps and legal descriptions of school district reorganizations. (Stats. 1980, ch. 1192, § 2.) Nothing therein suggests that the county surveyor is to have a role in such boundary changes. We may assume that the Legislature was aware of the earlier statutory scheme (Stats. 1965, ch. 586, § 12) and chose not to incorporate it as it did Government Code sections 54900-54916.5.

Finally, we observe that our interpretation of the requirements of sections 35500-35785 is consistent with that of the Department of Education. "Unless unreasonable or clearly contrary to the statutory language or purpose, the consistent construction of a statute by an agency charged with responsibility for its implementation is entitled to great deference. [Citation.]" (*Dix v. Superior Court* 1991) 53 Cal.3d 442, 460.)

While a petition to reorganize a school district must, prior to public hearings or an election, reasonably identify the territory to be reorganized, we believe this need not be accomplished by way of a legal description. Indeed, a reference to streets or prominent geographic features may provide more meaningful notice to voters than a metes and bounds legal description. A common description may well be adequate in allowing the appropriate officials to determine whether the requisite number of voters have signed the proposed reorganization petition.

We thus conclude in answer to the first question that the preparation and filing of an official map and legal description of the boundaries of a proposed school district reorganization are required only after the reorganization has been approved by the voters.

2. Designating Responsibility for Costs

The second question concerns the party or entity responsible for the costs of preparing an official map and legal description of a school district reorganization, once it has been approved by the voters. We conclude that the county board of supervisors is responsible for such costs.

Section 35765 is again the controlling statute. It directs the board of supervisors to "make an order to create, change, or terminate school districts" and specifies that such order "shall include the legal description of each district created or changed." Section 35765 requires the board of supervisors to "cause . . . a map or plat indicating the boundaries established or reestablished for each district . . . to be filed."

We find no ambiguities in the terms of section 35765. The responsibility for preparing an order, including a description of the new boundaries, is upon the board of supervisors, who must also file the

order, including a description of the new boundaries, is upon the board of supervisors, who must also file the official map of the new district. Since no other parties or entities are mentioned in the statutory language, we believe that the costs of preparing and filing the legal description and map are necessarily to be borne by the board of supervisors as incidental to this legislative mandate.

We conclude in answer to the second question that the county board of supervisors is responsible for the costs of preparing and filing an official map and legal description of the boundaries of a proposed school district reorganization after it has been approved by the voters.

* * * * *

Footnote No. 1

All references hereafter to the Education Code are by section number only.

Footnote No. 2

In addition, section 35534 makes the effective date of a school district reorganization "subject to compliance with Section 5400 of the Government Code." Government Code section 5400 defines "public body" as "any county, city and county, city, public district, public authority or other public corporation which is authorized to issue bonds" for purposes of levying a tax or assessment to cover the principal and interest on unsold bonds. It has no relevance to reorganizations of school districts or any other districts. The obvious typographical error contained in section 35534, however, may be corrected by examining the statute's legislative history. Section 35534 was enacted in 1980 (Stats. 1980, ch. 1192, § 2) at the same time as section 35765 (Stats. 1980, ch. 1192, § 3). The latter statute, dealing with the same subject matter, refers to "Section 54900 of the Government Code," and that it is undoubtedly what the Legislature intended in its reference in section 35534. We are to construe statutes "to make them workable and reasonable" and "to avoid an absurd result." (*Halbert's Lumber, Inc. v. Lucky Stores, Inc.* (1992) 6 Cal.App.4th 1233, 1239.) Also, we may harmonize the provisions of sections 35534 and 35765 by concluding that the former statute requires compliance with the terms of Government Code section 54900 when school districts are reorganized. "[S]tatutes or statutory sections relating to the same subject must be harmonized, both internally and with each other, to the extent possible." (*Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1387.)

Footnote No. 3

Moreover, we note that Government Code section 54903.1 provides:

"When a statement of the creation or change of boundaries of a school district and a map or plat thereof is required to be filed with the State Board of Equalization, the authority required to file the statement and map or plat shall, at the same time, file a copy of the statement and map or plat with the Superintendent of Public Instruction and the county superintendent of schools of the county in which the school district is located."

There would be no need to file the requisite maps with the superintendent of public instruction and the county superintendent of schools after the election if the maps were required to be prepared and submitted prior to circulating the reorganization petition. All of these statutes may be read together and harmonized (see *People v. Hull* (1991) 1 Cal.4th 266, 272; *People v. Woodhead* (1987) 43 Cal.3d 1002, 1009) in concluding that a legal description is not required until after the reorganization has been approved by the voters.

Footnote No. 4

School districts are exempt as well from the requirements of the Cortese-Knox Local Government Reorganization Act of 1985 (Gov. Code, §§ 56000-57385). (Gov. Code, § 56063, subd. (a)(4).)

**PETITION FOR TRANSFER OF TERRITORY
FROM THE MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT TO THE
NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
RESOLUTION #11-01**

To the Superintendents of Schools of Los Angeles County and Orange County:

Pursuant to Education Code Sections 74100 and 74104, the undersigned Board members of the North Orange County Community College District and the Mt. San Antonio Community College District hereby petition the Los Angeles County and Orange County Superintendents of Schools to transfer territory from the Mt. San Antonio Community College District to the North Orange County Community College District.

WHEREAS, Education Code section 74100(b) permits the majority of the governing board members of a community college district to file a petition to reorganize districts by the transfer of territory; and

WHEREAS, Education Code section 74104 provides that, if the transfer of territory involves less than five percent (5%) of the adult population of the district from which the transfer is being made, the petition may be transmitted to the board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization as long as this process is not used more than once every five (5) years; and

WHEREAS, the undersigned majority of the members of the governing boards of the Mt. San Antonio Community College District and North Orange County Community College District hereby petition to transfer the territory described in Exhibit "A" attached hereto to the North Orange County Community College District for the following reasons:

1. Saving of election costs for biennial trustee elections for Mt. San Antonio Community College District; and
2. Alignment of Mt. San Antonio Community College District boundaries to be consistent with County boundaries to facilitate the trustee redistricting process.

WHEREAS, the undersigned constitute a majority of the members of the governing boards of the Mt. San Antonio Community College District and North Orange County Community College District.

NOW THEREFORE, THE PETITIONERS AND GOVERNING BOARD MEMBERS OF THE MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT AND NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT HEREBY FIND, DETERMINE, DECLARE, ORDERS AND RESOLVE AS FOLLOWS:

Section 1. That all of the recitals set forth above are true and correct, and the Petitioners/Boards so find and determine.

Section 2. That the territory to be transferred is described in the attached Exhibit "A."

Section 3. That the territory to be transferred is a minor transfer of territory that involves less than five percent (5%) of the adult age population of Mt. San Antonio Community College District as defined in Section 74104 of the Education Code.

Section 4. That neither Mt. San Antonio Community College District nor North Orange County Community College District has utilized the provisions of Section 74104 of the Education Code to transfer territory within the last five (5) years.

Section 5. That the Chief Petitioners for the purpose of receiving notices and other correspondence related to this Petition and Resolution are:

The Board President of the North Orange County Community College District:

Barbara Dunsheath
1830 W. Romneya Drive
Anaheim, CA 92801

The Board President of the Mt. San Antonio Community College District:

Judy Chen Haggerty
1100 N. Grand Avenue
Walnut, CA 91789

Section 6. That this Petition and Resolution may be executed in two counterparts, all of which together shall constitute one instrument.

PASSED AND ADOPTED by the governing board of the Mt. San Antonio Community College District on this 25th day of July 2011 by the following vote:

AYES: Baca, Bader, Chen Haggerty, Chyr, Hall

NOES:

ABSENT:

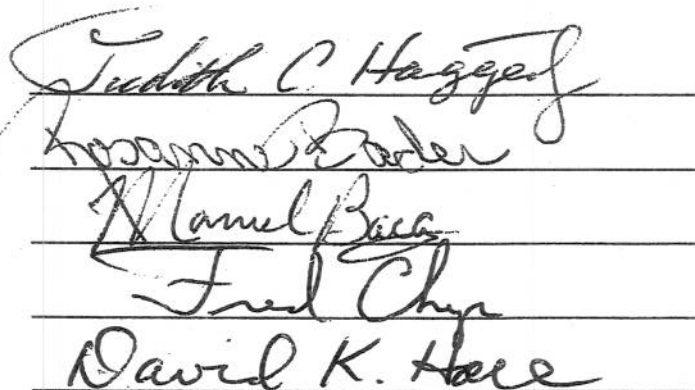

The block contains five handwritten signatures, each written over a horizontal line. From top to bottom, the signatures are: Judy C. Haggerty, Barbara Bader, Manuel Baca, Fred Chyr, and David K. Hall.

EXHIBIT "A"
LEGAL DESCRIPTION
TERRITORY TRANSFER FROM MT. SAN ANTONIO COMMUNITY COLLEGE
DISTRICT TO NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

Beginning at a point on the existing common boundary between the Counties of Orange and Los Angeles, said point being the Northeast corner of Annexation 69-1 (Ryness – Smith No. 2) to the City of Brea, said point also being the Southeast corner of Tract No. 46685, per map filed in Book 1209, Pages 56 and 57, of Maps, in the office of the Recorder of the County of Los Angeles; being distant North 89° 00' 53" West, 1670.40 feet from the Northeast corner of Section 3, Township 3 South, Range 10 West, S.B.M;

Thence, leaving said existing common boundary, along the boundary line of said Tract No. 46685, the following courses: North 13° 53' 07" East, along the Easterly line of said Tract, 100.12 feet to the Northeast corner thereof;

Thence, North 76° 01' 25" West, along the Northeasterly line of said Tract, 1018.58 feet to the Easterly terminus of that course shown as "North 86° 32' 58" West, 163.32 feet" on said Tract; Thence, North 85° 34' 56" West, along the Northerly line of said Tract, 163.25 feet to the Northwest corner thereof;

Thence, South 00° 57' 29" West, along the most Westerly line of said Tract, 47.01 feet, to the Northeasterly boundary line of Tract No. 25335, per map filed in Book 775, Pages 35 and 36, of Maps, in the office of the Recorder of the County of Los Angeles, said point being North 76° 00' 59" West, along said Northeasterly line, 10.26 feet from the Northeast corner of said Tract;

Thence, along the boundary of said Tract No. 25335, the following courses: North 76° 00' 59" West, along said Northeasterly line, 1224.52 feet to the Northwest corner thereof;

Thence, South 00° 52' 39" West, along the Westerly line of said Tract, 564.75 feet to the Southwest corner of said Tract, being a point on the existing boundary line of the County of Los Angeles and the County of Orange and the City of Brea per an Annexation described in Ordinance No. 284, Certified by the Secretary of State on September 10, 1957, said point being distant South 89° 00' 53" East, 1449.86 feet, along said county boundary, from the Northwest corner of Section 3, Township 3 South, Range 10 West, S.B.M.

Thence, following along said existing City boundary per said Annexation and per "Annexation No. 68-1 (Ryness – Smith)" and per the aforementioned "Annexation No. 69-1 (Ryness – Smith No. 2)", South 89° 00' 53" East, 2325.18 feet to the Point of Beginning.

The above described parcel of land contains 17.74 acres, more or less.

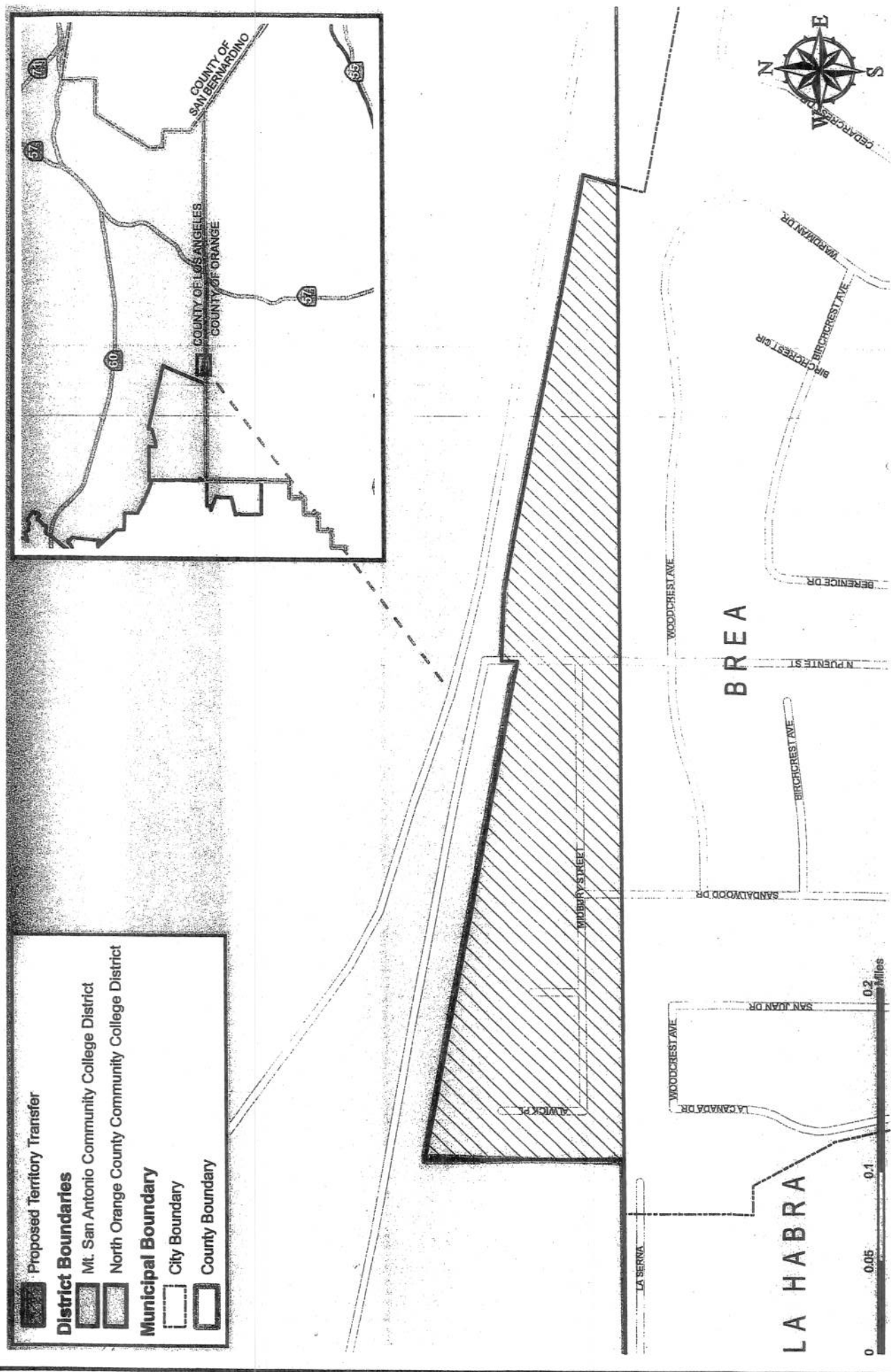
PASSED AND ADOPTED by the governing board of the North Orange Community College District on this 28th day of June, 2011 by the following vote:

AYES:

NOES:

ABSENT:

Exhibit "A" **Boundary Map** **Territory Transfer from Mt. San Antonio Community College District to** **North Orange County Community College District**



**RESOLUTION AND ORDER OF THE ORANGE COUNTY BOARD OF EDUCATION APPROVING THE PETITION FOR A
MINOR BOUNDARY CHANGE TRANSFERRING TERRITORY FROM THE MT. SAN ANTONIO COMMUNITY COLLEGE
DISTRICT TO THE NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT**

WHEREAS, pursuant to Education Code section 74104, a minor boundary change may be effectuated by a petition signed by a majority of the members of each of the governing boards of the community college districts which would be affected by the reorganization, provided this process is utilized no more than once every five years; and

WHEREAS, the petition in this matter, Resolution No. 10/11-58 of the North Orange County Community College District and Resolution No. 11-01 of the Mt. San Antonio Community College District, along with the legal description of the territory (hereinafter "Petition") meets the requirements of Education Code section 74104; and

WHEREAS, pursuant to Education Code section 74104, the Orange County Superintendent of Schools is required to transmit the petition to the Orange County Board of Education given that the Orange County Board of Supervisors has delegated its authority concerning school district organization to the Orange County Board of Education by resolution dated June 7, 1977; and

WHEREAS, Education Code section 74250 requires the Orange County Board of Education to issue an order reestablishing the boundaries of the districts affected by this action.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Education hereby resolves and orders that the boundaries of the Mt. San Antonio Community College District and the North Orange County Community College District be reestablished as set forth in the Petition.

AYES: Members: Bedell, Boyd, Pham, Parker, Williams

NOES: Members:

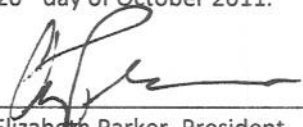
ABSENT: Members:

STATE OF CALIFORNIA

COUNTY OF ORANGE

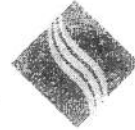
I, Elizabeth Parker, President of the Orange County Board of Education, do hereby certify that the foregoing Resolution was duly passed, approved, and regularly adopted by the Orange County Board of Education at a regular meeting thereof held on the 20th day of October, 2011.

IN WITNESS THERE, I have hereunto set my hand and seal this 20th day of October 2011.


Elizabeth Parker, President
Orange County Department of Education

Resolution #15-11

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT



PETITION FOR TRANSFER OF TERRITORY FROM THE MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT TO THE NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT, RESOLUTION NO. 10/11-58

To the Superintendents of Schools of Los Angeles County and Orange County:

Pursuant to Education Code Sections 74100 and 74104, the undersigned Board members of the North Orange County Community College District and the Mt. San Antonio Community College District hereby petition the Los Angeles County and Orange County Superintendents of Schools to transfer territory from the Mt. San Antonio Community College District to the North Orange County Community College District.

WHEREAS, Education Code Section 74100(b) permits the majority of the governing board members of a community college district to file a petition to reorganize districts by the transfer of territory; and

WHEREAS, Education Code Section 74104 provides that if the transfer of territory involves less than five percent (5%) of the adult population of the district from which the transfer is being made, the petition may be transmitted to the board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization as long as this process is not used more than once every five (5) years; and

WHEREAS, the undersigned majority of the members of the governing boards of the Mt. San Antonio Community College District and North Orange County Community College District hereby petition to transfer the territory described in Exhibit "A" attached hereto to the North Orange County Community College District for the following reasons:

1. Saving of election costs for biennial trustee elections for Mt. San Antonio Community College District; and
2. Alignment of Mt. San Antonio Community College District boundaries to be consistent with County boundaries to facilitate the trustee redistricting process.

WHEREAS, the undersigned constitute a majority of the members of the governing boards of the Mt. San Antonio Community College District and North Orange County Community College District.

NOW THEREFORE, THE PETITIONERS AND GOVERNING BOARD MEMBERS OF THE MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT AND NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT HEREBY FIND, DETERMINE, DECLARE, ORDERS AND RESOLVE AS FOLLOWS:

Section 1. That all of the recitals set forth above are true and correct, and the Petitioners/Boards so find and determine.

Section 2. That the territory to be transferred is described in the attached Exhibit "A".

Section 3. That the territory to be transferred is a minor transfer of territory that involves less than five percent (5%) of the adult age population of Mt. San Antonio Community College District as defined in Section 74104 of the Education Code.

Section 4. That neither Mt. San Antonio Community College District nor North Orange County Community College District has utilized the provisions of Section 74104 of the Education Code to transfer territory within the last five (5) years.

Section 5. That the Chief Petitioners for the purpose of receiving notices and other correspondence related to this Petition and Resolution are:

The Board President of the North Orange County Community College District:

Barbara Dunsheath
1830 W. Romneya Drive
Anaheim, CA 92801

The Board President of the Mt. San Antonio Community College District:

Judy Chen Haggerty
1100 N. Grand Avenue
Walnut, CA 91789

Section 6. That this Petition and Resolution may be executed in two counterparts, all of which together shall constitute one instrument.

PASSED AND ADOPTED by the governing board of the Mt. San Antonio Community College District on this _____ day of June, 2011 by the following vote:

AYES:

NOES:

ABSENT:

President of the Governing Board of the
Mt. San Antonio Community College District

Clerk of the Governing Board of the
Mt. San Antonio Community College District

PASSED AND ADOPTED by the governing board of the North Orange Community College District on this 28th day of June, 2011, by the following vote:

AYES: Barbara Dunsheath, Leonard Lahtinen, Molly McClanahan, Michael Matsuda,
Donna Miller
NOES: None
ABSENT: Jeff Brown, M. Tony Ontiveros

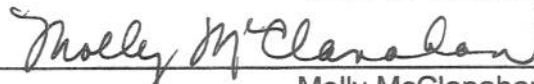
Jeff Brown



Barbara Dunsheath



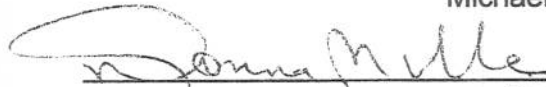
Leonard Lahtinen



Molly McClanahan



Michael Matsuda



Donna Miller

M. Tony Ontiveros

EXHIBIT "A"

LEGAL DESCRIPTION

TERRITORY TRANSFER FROM MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT TO NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

Beginning at a point on the existing common boundary between the Counties of Orange and Los Angeles, said point being the Northeast corner of Annexation 69-1 (Ryness – Smith No. 2) to the City of Brea, said point also being the Southeast corner of Tract No. 46685, per map filed in Book 1209, Pages 56 and 57, of Maps, in the office of the Recorder of the County of Los Angeles; being distant North 89° 00' 53" West, 1670.40 feet from the Northeast corner of Section 3, Township 3 South, Range 10 West, S.B.M;

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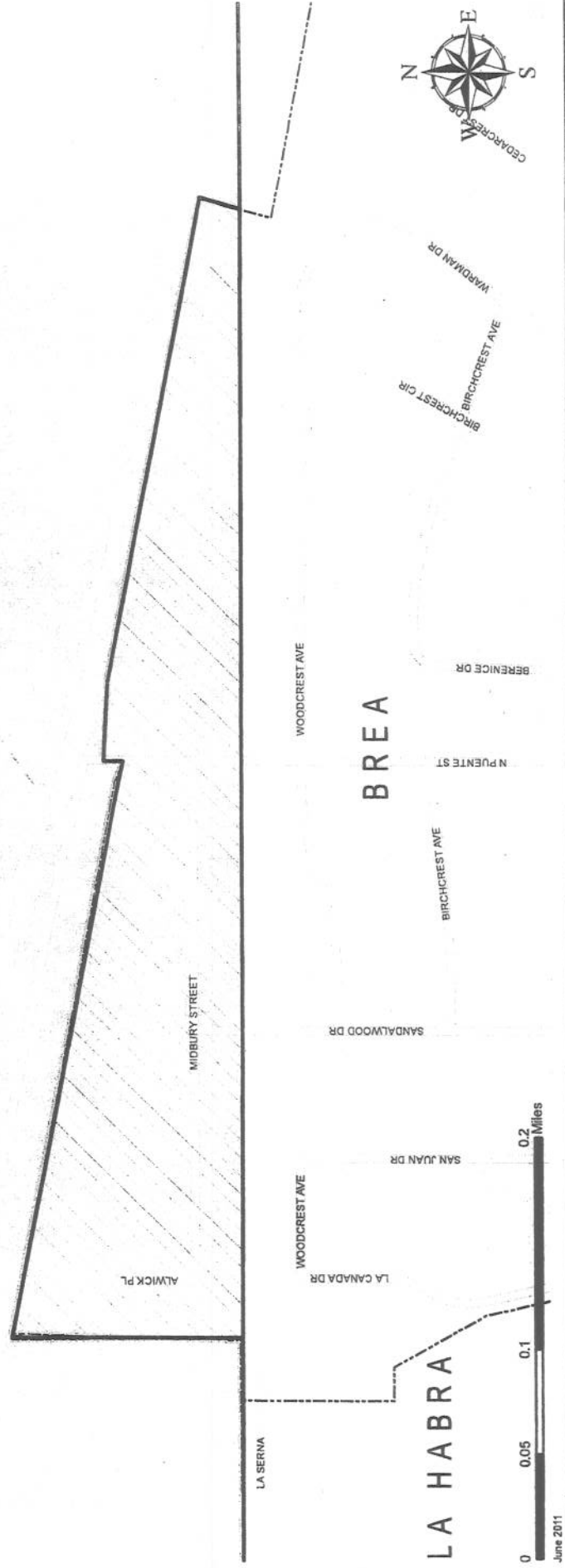
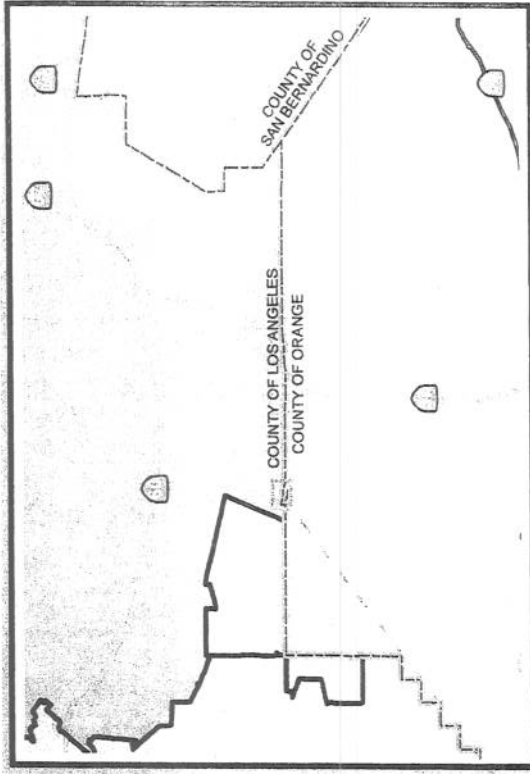
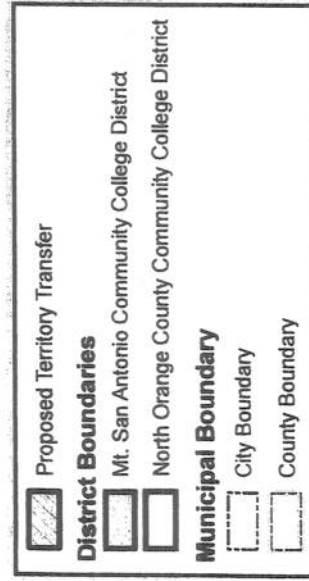
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The above described parcel of land contains 17.74 acres, more or less.

Boundary Map Territory Transfer from Mt. San Antonio Community College District to North Orange County Community College District



**Los Angeles County Committee on
School District Organization**

c/o Los Angeles County Office of Education
9300 Imperial Highway, Downey, CA 90242-2890

November 4, 2011

2011

County Committee Members

First Supervisorial District

John Nunez, *Chairperson*
Frank Ogaz

Second Supervisorial District

Maria M. Calix, *Vice Chairperson*
Joan Jakubowski

Third Supervisorial District

VACANT
AJ Willmer

Fourth Supervisorial District

Frank Bostrom
Owen H. Griffith

Fifth Supervisorial District

Maurice Kunkel
Suzan T. Solomon

At Large

Lloyd de Llamas

Matthew F. Spies
Secretary
(562) 922-6336

Mr. Frederick Harris, Assistant Vice Chancellor
Board of Governors of the California Community Colleges
Division of College Finance and Facilities Planning
1102 Q Street
Sacramento, CA 95814-6511

Dear Mr. Harris:

On September 1, 2011, the Los Angeles County Office of Education (LACOE) received a request from the Mount San Antonio Community College District (CCD) Board of Education to review a petition dated July 25, 2011. This petition requested a transfer of certain territory from the Mount San Antonio CCD to the North Orange County CCD pursuant to Education Code (EC) §74100(b).

On September 1, 2011, LACOE received a June 28, 2011, resolution passed by the North Orange County CCD Board of Education. The resolution requested a transfer of certain territory from the Mount San Antonio CCD to the North Orange County CCD pursuant to EC §74100(b).

In accordance with EC §74104, on November 4, 2011, the Los Angeles County Superintendent of Schools (County Superintendent) found the petition and resolution to be sufficient and signed as required by law, and transmitted it to the California Community College Board of Governors (BOG).

EC §74104 specifies that, "... if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than five percent of the adult population of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization. The procedure specified in this paragraph may not be utilized more than once every five years."

Because the subject petition and resolution complies with all of the criteria of EC §74104, it was not reviewed by the Los Angeles County Committee on School District Organization.

EC §74205 specifies that the County Superintendent transmit the petition, order the petition to be granted, and notify the Los Angeles County Board of Supervisors (Board) when:

- the conditions of EC §74101 are substantially met;
- the petition is to transfer territory of less than five percent of the adult population in the district from which the territory is being transferred; and,
- the governing boards of the affected school districts have consented to the transfer of territory.

Accordingly, on November 8, 2011, the County Superintendent transmitted this letter and the administrative record of this transfer of territory request to the Board requesting the following actions be implemented before December 1, 2011:

1. Make an Order changing the boundaries of the Mount San Antonio and North Orange County CCDs in accordance with the petition, resolution, and the enclosed maps as required by EC §74250 and §74251;
2. Cause such Order to be entered in the Los Angeles County's record of school districts;
3. Produce map(s) and legal descriptions of the affected community college districts in accordance with Opinion No. 97-706 of the California State Attorney General;
4. Cause a copy of such Order, along with map(s) and legal description indicating such change, to be filed in the following offices and agencies: the Los Angeles County Superintendent, Assessor, Auditor-Controller, Department of Public Works (DPW), and Registrar-Recorder/County Clerk (Registrar-Recorder); the Orange County Superintendent, Assessor, Auditor-Controller, DPW, and Registrar-Recorder; the Valuation Division of the State Board of Equalization (BOE); the State Allocation Board; the State Superintendent of Public Instruction; and the affected community college districts; and,
5. Forward requisite fees warrant (payable to the BOE), boundary description, and copies of map(s) and legal descriptions of the affected community college districts to the BOE.

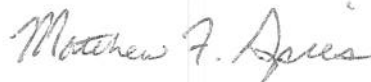
Pursuant to Government Code §54901(a), the County Superintendent will forward a certified copy of the ordinance or resolution of the Board to the State Board of Education, ordering the change in boundary related to this transfer of territory, including the issuance of an updated plat map.

Mr. Frederick Harris, Assistant Vice Chancellor
Board of Governors of the California Community Colleges
November 4, 2011
Page 3

Pursuant to EC §74215(c), this reorganization should become effective after July 1, 2012.

Should you have questions regarding the above or require additional information, please contact me at (562) 922-6336.

Sincerely,



Matthew F. Spies
Secretary

MFS/AD:mb
Enclosures

cc: Ms. Njeri Griffin, BOG
Dr. William Scroggins, Mount San Antonio CCD
Mr. Michael Gregoryk, Mount San Antonio CCD
Dr. Ned Doffoney, North Orange County CCD
Mr. Fred Williams, North Orange County CCD
Mr. William Habermehl, Orange County Department of Education (OCDE)
Dr. Wendy Benkert, OCDE
Ms. Rosalee Hormuth, OCDE
Mr. Larry Ferchaw, Dolinka Group
Mr. David Soldani, Atkinson, Andelson, Loya, Ruud and Romo
Ms. Aleen Langton, County Counsel
Ms. Fimy Aghoian, County Counsel
Ms. Patricia Smith, LACOE